

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

VIN BINH, : 09 Civ. 1503 (SHS)

Petitioner, :

-against- : ORDER

U.S. DEPARTMENT OF HOMELAND :
SECURITY, Bureau of Immigration and :
Customs Enforcement, :

Respondent. :

SIDNEY H. STEIN, U.S. District Judge.

On March 31, 2009, Magistrate Judge Frank Maas issued a Report and Recommendation recommending that this petition for a writ of *habeas corpus* be dismissed as moot on the grounds that petitioner has been released from ICE custody under an order of supervision, "the precise relief that he sought" (March 31, 2009 Report and Recommendation, p. 2). The Court subsequently received a letter dated April 7, 2009, from Joan O'Donnell on petitioner's behalf. After a *de novo* review of Magistrate Judge Maas' Report and Recommendation dated March 31, 2009,

IT IS HEREBY ORDERED that:

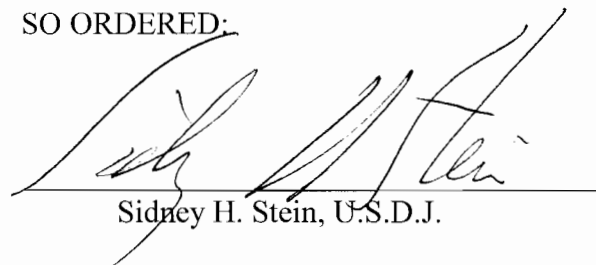
1. Magistrate Judge Maas' "Report and Recommendation" is adopted;
2. The petition pursuant to 28 U.S.C. § 2241 is dismissed as moot;

3. As petitioner has not made a substantial showing of the denial of a constitutional right, a certificate of appealability will not issue. 28 U.S.C. § 2253; see also Richardson v. Greene, 497 F.3d 212, 217 (2d Cir. 2007); and

4. Pursuant to 28 U.S.C. § 1915(a) the Court certifies that any appeal from this Order would not be taken in good faith.

Dated: New York, New York
May 7, 2009

SO ORDERED:

A handwritten signature in black ink, appearing to read 'S. H. Stein', is written over a horizontal line. The signature is stylized and cursive.

Sidney H. Stein, U.S.D.J.